

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17 and 18 fail to fall within a statutory category of invention. They are directed to the computer program itself. They are not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. They are also clearly not directed to a composition of matter. Therefore, they are non-statutory under 35 USC 101.

Because the full scope of the claims as properly read in light of the disclosure encompasses non-statutory subject matter, the claims are non-statutory.

Any amendment to the claims should be commensurate with the corresponding disclosure.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 9-14, 17, and 19 rejected under 35 U.S.C. 102(b) as being anticipated by Schein (US 6,133,909).

Regarding claim 1, Schein teaches a method for generating recommendations (Fig. 8; Col. 11, lines 9-45), the method comprising:

prompting a user for feedback on at least one preference for generating a recommendation, i.e. a user marks a program as a favorite and then proceeds to select the criteria used (Col. 11, lines 9-62; Col. 12, lines 16-30), the at least one preference having two or more categories associated therewith, i.e. the user can select from a list of categories, such as comedy, drama, action, etc. (Col. 11, lines 9-62; Col. 12, lines 16-30);

displaying at least one visual cue corresponding to each of the two or more categories, i.e. each category is labeled with the category name, such as comedy, drama, action, etc. (Col. 11, lines 9-62; Col. 12, lines 16-30);

selecting one of the two or more categories based at least in part on the corresponding at least one visual cue, i.e. the user is able to select single or multiple categories (Col. 11, lines 45-62); and

generating a recommendation based at least in part on the selecting, i.e. the system identifies potential program favorites (Col. 11, lines 27-45).

Regarding claim 2, Schein teaches the generating generates a recommendation for video content (Col. 11, lines 27-45).

Regarding claim 3, Schein teaches the video content is a television program (Col. 11, lines 27-45).

Regarding claim 4, Schein teaches the at least one preference is the genre of the television program, i.e. selecting the main category button presents another menu that lists the category or genre types, such as comedy, drama, action, etc. (Col. 12, lines 16-30).

Regarding claim 5, Schein teaches the two or more categories associated with the genre of the television program are selected from a group consisting of action, comedy-action, suspense-action, drama, comedy, documentary, and romance, i.e. action, comedy, drama (Col. 12, lines 16-30).

Regarding claim 6, Schein teaches the at least one visual cue is selected from a group consisting of a video clip of each genre, a trailer from each genre, textual information describing each genre, and specific examples of each genre, i.e. menu listing all of the selectable genre types (Col. 12, lines 16-30).

Regarding claim 9, claim is analyzed with respect to claim 1. Schein further teaches means for generating a user interface (Col. 11, lines 9-62; Col. 12, lines 16-30).

Regarding claim 10, claim is analyzed with respect to claim 2.

Regarding claim 11, claim is analyzed with respect to claim 3.

Regarding claim 12, claim is analyzed with respect to claim 4.

Regarding claim 13, claim is analyzed with respect to claim 5.

Regarding claim 14, claim is analyzed with respect to claim 6.

Regarding claim 17, claim is analyzed with respect to claim 1. Note:  
Computer-readable medium is a hard drive (Fig. 1, el. 14).

Regarding claim 19, claim is analyzed with respect to claim 1. Note:  
program storage device is a hard drive (Fig. 1, el. 14).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 15, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Hori (US 7,209,942).

Regarding claim 7, Schein teaches all elements of claim 1.

Schein teaches displaying a selection means corresponding to each of the two or more categories, i.e. the user selects the category type (Col. 11, lines 9-62; Col. 12, lines 16-30).

Schein does not clearly teach displaying the at least one visual cue corresponding to the two or more categories upon selection of the selection means.

Hori teaches displaying a window containing representative images of programs with a corresponding keyword for each image that displays a video segment corresponding to the image and keyword when clicked (Fig. 8; Col. 8, line 62-Col. 9, line 40); the keywords having been taken from a user profile where the user inputs favorite genre information as keywords (Col. 6, lines 14-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein to include displaying at least one visual cue corresponding to the two or more categories upon selection of the selection means, as taught by Hori, for the purpose of aiding the viewer in determining future programs of potential interest.

Regarding claim 8, Schein (Col. 11, lines 9-62; Col. 12, lines 16-30) in view of Hori (Fig. 8; Col. 8, line 62-Col. 9, line 40) teaches the displaying of the

selection means comprises providing a user interface having a button displayed proximate each of the two or more categories wherein the selection of the button is achieved through the user interface.

Regarding claim 15, claim is analyzed with respect to claim 7.

Regarding claim 16, claim is analyzed with respect to claim 8.

Regarding claim 18, claim is analyzed with respect to claim 7.

Regarding claim 20, claim is analyzed with respect to claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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3 April 2008

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623